

Scott E. Mollen
M. Darren Traub
HERRICK, FEINSTEIN LLP
2 Park Avenue
New York, NY 10016
212.592.1400
*Attorneys for Defendants Robert W. Seavey,
Phyllis M. Seavey, Avery B. Seavey, Nealle B.
Seavey, Ronald Dawley, Dalton Management
Company, LLC, and the Seavey Organization*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN L. EDMONDS, INDIVIDUALLY AND AS A :
MANAGING GENERAL PARTNER OF FIFTH AND :
106TH STREET HOUSING COMPANY, INC., :
LOGAN PLAZA ASSOCIATES, LP, CHARLES H. : Index No.: 08 CIV 5646-HB
ASSOCIATES a/k/a CHARLES H. HILL :
ASSOCIATES, LP AND AS A LIMITED PARTNER :
OF CHURCH HOME ASSOCIATES, LP, :

Plaintiffs, ECF CASE

-against-

ROBERT W. SEAVEY, INDIVIDUALLY AND AS A :
GENERAL PARTNER OF FIFTH AND 106TH :
STREET ASSOCIATES, LP, LOGAN PLAZA :
ASSOCIATES, LP, CHARLES HILL ASSOCIATES, :
CHARLES HILL ASSOCIATES, LP AND AS A :
LIMITED PARTNER OF CHURCH HOME :
ASSOCIATES, LP; PHYLLIS M. SEAVEY :
INDIVIDUALLY AND AS OWNER, MANAGER :
AND MEMBER OF DALTON MANAGEMENT :
COMPANY LLC; AVERY B. SEAVEY, : **NOTICE OF MOTION**
INDIVIDUALLY AND AS A GENERAL PARTNER : **FOR DISCOVERY SANCTIONS**
OF LOGAN PLAZA ASSOCIATES, LP, CHURCH :
HOME ASSOCIATES AND OWNER OF DALTON :
MANAGEMENT COMPANY, LLC; NEALLE B. :
SEAVEY, INDIVIDUALLY AND AS OWNER, :
MANAGER AND MEMBER OF DALTON :
MANAGEMENT COMPANY, LLC; AND RONALD :
DAWLEY AS CHIEF EXECUTIVE OFFICER OF :
DALTON MANAGEMENT COMPANY, LLC; :
DALTON MANAGEMENT COMPANY, LLC, THE :
SEAVEY ORGANIZATION, and MARKS PANETH & :
SHRON, Auditors, :

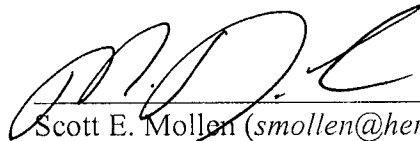
Defendants. :

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PLEASE TAKE NOTICE that based on the Declaration of M. Darren Traub and the exhibits annexed thereto, defendants Robert W. Seavey, Phyllis M. Seavey, Avery B. Seavey, Nealle B. Seavey, Ronald Dawley, Dalton Management Company, LLC, and the Seavey Organization (collectively, "the Seavey Defendants"), shall move the Court, at a date and time to be determined by the Court, before the Honorable Magistrate Judge James C. Francis, at the United States Courthouse, Courtroom 18D, 500 Pearl Street, New York, New York, for an Order, pursuant to Fed. R. Civ. P. 30(g), entering appropriate sanctions against Plaintiff for its failure to attend and proceed with the deposition of defendant Phyllis Seavey.

Dated: New York, New York
April 20, 2009



Scott E. Mollen (smollen@herrick.com)

M. Darren Traub (dtraub@herrick.com)

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